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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------|------------------------|
| 10/790,644   | 03/01/2004  | Peter O. Roach JR.   | 11126.105001        | 9770                   |
| 7590   | 04/06/2005  |                      |                     | EXAMINER<br>TRAN, CHUC |
| Michael S. Pavento, Esq.<br>KING & SPALDING LLP<br>45th Floor<br>191 Peachtree Street, N.E.<br>Atlanta, GA 30303 |             |                      | ART UNIT<br>2821    | PAPER NUMBER           |
| DATE MAILED: 04/06/2005  |             |                      |                     |                        |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |                                     |    |
|------------------------------|--|-------------------------------------|----|
| <b>Office Action Summary</b> | Application No.                        | Applicant(s)                        | JM |
|                              | 10/790,644<br>Examiner<br>Chuc D. Tran | ROACH, PETER O.<br>Art Unit<br>2821 |    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,4,6-10,12,13,15-18,20-31,33-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13,15-18,20,31,33-40 and 42 is/are allowed.
- 6) Claim(s) 1,3,4,6-10,12 and 21-29 is/are rejected.
- 7) Claim(s) 30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 43-56, drawn to a power source configured for being mounted to a fluorescent light, classified in class 315, subclass 307, 291 and 209 R.

II. Claims 1-42, drawn to a wireless network component configured for being mounted to a fluorescent light, classified in class 315, subclass 149, 155.

1. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (group I) does not require a wireless network to be mounted and connected to the power supply of the fluorescent lamp. The subcombination has separate wireless network component such as Bluetooth, HyperLAN.. that being mounted or connected to the lamp to control the light.

### ***Response to Arguments***

2. Applicant's election with traverse of Group I in the reply filed on 1/14/05 is acknowledged. The traversal is on the ground(s) that the Examiner would not be seriously burdened to consider all of the claims in a single application is respectfully disagreed. This is not found persuasive because burden is not a criteria for restricting. Applicant's argument fails to provide a compelling support for asserting the reason that all claims should examined together.

In view of the fail that these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper, the requirement is still deemed proper and is therefore made FINAL.

***Claim Objections***

3. Claims 6-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is not clear how the “support tube” works with claim 1.

4. Claims 4 and 13 are objected to because of the following informalities:

Claims 4, line 1, “wherein the support tube” change to - - further comprising a support tube - -;

Claim 13, line 7, “a” (fluorescent lamp) change to - - the - -.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 3-4, 6-10, 12, 21-23 and 26-29 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beach et al (US 2004/0192227).

Regarding claim 1, Beach et al disclose a wireless network component configured for being mounted to a fluorescent light comprising:

- a housing (102) containing the wireless network component (106) (Fig. 7); and
- attachment means for attaching the housing (102) to a fluorescent lamp (Fig. 7),

wherein the fluorescent lamp can be installed within a fluorescent light fixture (90) (Fig. 7).

- Regarding claim 3, Beach et al disclose that the housing (102) is suspended below the fluorescent lamp (Fig. 7).
- Regarding claim 4, Beach et al disclose that the support tube (104) includes joints that are designed to fit within corresponding grooves on the housing (102) (Fig. 7).

Regarding claims 6 and 7, Beach et al disclose that the support tube (104) is designed to dissipate heat generated by the fluorescent lamp (Fig. 7).

Regarding claims 8 and 9, Beach et al disclose that the support tube (104) is generally semi-cylindrical, cylindrical in shape (Fig. 7).

Regarding claim 10, Beach et al disclose that the support tube (104) is configured to be opened in order to insert the fluorescent lamp (108) therein (Fig. 7).

Regarding claim 12, Beach et al disclose that the housing includes a window to allow light emitted by the fluorescent lamp to pass through the housing.

Regarding claim 21, Beach et al disclose a wireless network component configured for being mounted to a fluorescent light comprising:

- a housing (102) containing the wireless network component (106) (Fig. 7) (Page 3, Col. 2, Line 57);
  - one or more power coupling pin protruding from one side of the housing (102) and configured to be inserted into a receptacle (104) within a fluorescent light fixture (90) that would otherwise receive one or more pin of a fluorescent lamp (108) (Fig. 7); and
  - one or more fluorescent lamp pin connector located on an opposite side of the housing (102) (Fig. 7) and electrically connected to the one or more power coupling pin (Fig. 7), wherein the one or more fluorescent lamp pin connector is configured to receive the one or more pin of the fluorescent lamp (108) (Fig. 7).

Regarding claim 22, Beach et al disclose that the one or more fluorescent lamp pin connector is electrically connected to the one or more power coupling pin via a power converter internal to the housing (Page 3, Col. 1, Line 63).

Regarding claim 23, Beach et al disclose that the power converter receives power from power source of the fluorescent light via the one or more power coupling pin; and wherein the power converter supplies the power to the internal electronics of the wireless network component and to the fluorescent lamp pin connector (Page 3, Col. 2, Line 18).

Regarding claim 26, Beach et al disclose that at least a portion of the housing is at least partially transparent so that light from the fluorescent lamp can pass through the housing (Fig. 7).

Regarding claim 27, Beach et al disclose that the housing (102) includes means for dissipating heat generated by the fluorescent light (Fig. 7).

Regarding claim 28, Beach et al disclose that the housing (102) includes a recess channel for receiving the fluorescent lamp (Fig. 7).

Regarding claim 29, Beach et al disclose that means for attaching the housing (102) to the fluorescent lamp (Fig. 7).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al.

Regarding claims 24, Beach disclose a wireless network component as set forth in the claims except the fluorescent lamp is installed at an angle relative to its intended axis within the fluorescent light fixture. Thus, it would have been obvious to one of ordinary skill in the art to modify beach et al by making the fluorescent lamp is installed at an angle relative to its intended axis within the fluorescent light fixture. The ordinary artisan would have been motivated to modify Beach et al in the manner described above for receiving the wireless housing to be installed within the fluorescent lamp fixture (See Fig. 4 and 7).

***Allowable Subject Matter***

9. Claims 13, 15-18, 20, 31, 33-40 and 42 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:  
Regarding claims 13 and 31, the references of the Prior Art of record fails to teach or

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suggest the combination of the limitations as set forth in the claims: the housing including a recess channel for receiving the fluorescent tube and a support tube configured to be removably attached to at least a portion of the housing.

Regarding claims 15-18, 20, 33-40 and 42 are allowable for the reason given in the claims because of their dependency status from the claims 13 and 31.

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Citation of relevant Prior Art*

Prior art Oyamada et al (JP. 08-023335) disclose wireless centralized control equipment.

Prior art (US 2003/0214399) disclose string wireless sensor and its manufacturing method.

Prior art Olson (USP. 5,612,593) disclose fluorescent tube thermal management system.

Prior art Sekiguchi et al (USP. 4,978,890) disclose fluorescent lamp device.

Prior art Belokin, Jr. (USP. Re. 30,367) disclose power take-off for fluorescent light fixtures.

Prior art Uehara et al (USP. 5,424,859) disclose transceiver for wireless.

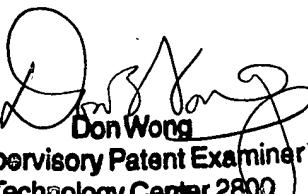
*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC  
March 28, 2005



Don Wong  
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